

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BANKS,)	
)	
Petitioner,)	Civil Action No. 19-1244
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Patricia L. Dodge
ORLANDO HARPER, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Patricia L. Dodge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On October 9, 2019, the Magistrate Judge issued a Report (Doc. 2) recommending that Frederick Banks's 2241-habeas Petition be dismissed, pursuant to the Court's vexatious-litigant Orders. Service of the Report and Recommendation was made, and Petitioner has filed Objections. *See* Doc. 4.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the Magistrate Judge's Report and Recommendation is ADOPTED. In addition, Frederick Banks's 2241-Petition is dismissed on the independent ground that he has not invoked the proper adjudicative mechanism. Whitmer v. Levi, 276 Fed. Appx. 217, 219, 2008 WL 1849803, *1 (3d Cir. Apr. 28, 2008) ("[w]here a defendant is awaiting trial, the appropriate vehicle for violations of his constitutional rights are pretrial motions or the expedited appeal procedure provided by the Bail Reform Act, . . . not a habeas corpus petition [under § 2241]") (citation omitted).

Accordingly, Frederick Banks's Petition (**Doc. 1**) is **DISMISSED**, and the Report and Recommendation (Doc. 2) is adopted as the Opinion of the District Court, as supplemented herein.¹

IT IS SO ORDERED.

November 1, 2019

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

Frederick Banks
120759, 8E
Allegheny County Jail
950 2nd Avenue
Pittsburgh, PA 15219

¹ To the extent that a certificate of appealability may be appropriate, it is denied, because Petitioner has not demonstrated that reasonable jurists would find the instant ruling debatable or wrong.